

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSE A. ADAMES,

Plaintiff,

v.

ROBERT J. BIKOWSKI, JONATHAN S.
PAWLYK, BRAD D. BADE, CAPT.
NATHAN E. HAYNES, SGT. TRITT, and
GWENDOLYN VICK,

Defendants.

Case No. 16-CV-1010-JPS

ORDER

Plaintiff, who is incarcerated at Waupun Correctional Institution, filed a *pro se* complaint under 42 U.S.C. § 1983 alleging that his civil rights were violated. (Docket #1). This matter comes before the Court on Plaintiff's recently filed motion requesting discovery materials, including copies of Wisconsin Department of Corrections policies and other documents. (Docket #29). The Court must deny the motion for several reasons. First, to the extent Plaintiff asks the Court itself to produce the requested items, it cannot; the Court does not participate directly in the discovery process in civil litigation.

Second, to the extent Plaintiff seeks an order from the Court compelling Defendants to produce these items, his motion is premature. Before seeking Court intervention into discovery matters, Plaintiff must first serve discovery requests on Defendants consistent with the requirements of the Federal Rules of Civil Procedure.¹ If Defendants do not appropriately respond to Plaintiff's discovery requests, Plaintiff must then make good-faith efforts to confer with Defendants' counsel to resolve the matter without

¹The Court reminds Plaintiff that filing his discovery requests with the Court does not count as service of those requests on Defendants. *See* (Docket #23 at 2).

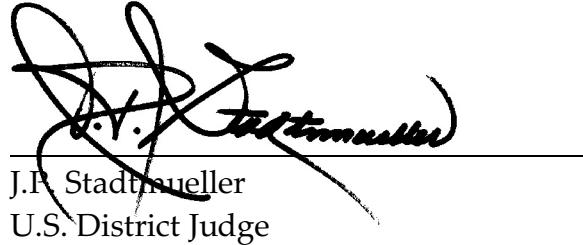
involving the Court. *See* Fed. R. Civ. P. 37(a)(1); Civ. L. R. 37. If those efforts fail, then and only then may Plaintiff file a motion to compel discovery responses with the Court. *See Ross v. Bd. of Regents of Univ. of Wis. Sys.*, No. 08-CV-230, 2008 WL 5129941, at *1 (E.D. Wis. Dec. 5, 2008); *Williams v. Frank*, No. 06C1051, 2007 WL 1217358, at *1 (E.D. Wis. Apr. 19, 2007).

Accordingly,

IT IS ORDERED that Plaintiff's motion for discovery materials (Docket #29) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 9th day of March, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge